



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

October 9, 2009

Ida McDonnell, CAP
USEPA Region 1
1 Congress Street – Suite 1100
Boston, Massachusetts 02114-2023

Re: FINAL OPERATING PERMIT
Appl. #1-O-08-027; Trans. # X005602

At: Industrial Power Services Corp.
Granby Landfill Gas-to-Energy Facility
New Ludlow Road
Granby, MA

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 – APPENDIX C (6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached FINAL Operating Permit for the Industrial Power Services Corp. facility located in Granby, Massachusetts.

Public notice of the Draft Operating Permit was published by MassDEP in the Springfield Union News / Sunday Republican on May 20, 2009 and in the Environmental Monitor on May 20, 2009, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on June 19, 2009. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C (6)(f). Several minor comments were received from MassDEP, which were incorporated into the Proposed Operating Permit.

On June 23, 2009 the MassDEP forwarded to EPA Region 1, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, the MassDEP is issuing the Final Operating Permit.



The attached Final Operating Permit contains all of the federal and state air pollution control requirements, to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

If you have any questions concerning this FINAL Operating Permit, please contact Brad Palkovic of the Western Regional Office at (413) 755-2283.

Sincerely,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Marc Simpson
Permit Chief
Western Region

BWP/bwp

Cc: James M. Malandrinos, President
Industrial Power Services Corp.
Granby Landfill Gas-to-Energy Facility
New Ludlow Rd., Granby, MA

Ecc: Karen Regas, MassDEP, Boston
Yi Tian, MassDEP, Boston

Roberta Baker, MassDEP, WERO
Peter Czapienski, MassDEP, WERO



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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Industrial Power Services Corp.
60 East Street River
Ware, MA 01082

INFORMATION RELIED UPON:

Application No.: 1-O-08-027
Transmittal No.: X005602

FACILITY LOCATION:

Industrial Power Services Corp.
Granby Landfill Gas-to-Energy Facility
New Ludlow Road
Granby, MA

FACILITY IDENTIFYING NUMBERS:

AQ ID NO.: 0420105
FMF FAC NO.: 336356
FMF RO NO.: 342344

NATURE OF BUSINESS:

Electric Power Generation
from Landfill Gas

STANDARD INDUSTRIAL CODE (SIC):

4911 – Electric Services

NORTH AMERICAN INDUSTRIAL CODE

(NAICS): 221119 (other electric power generation)

RESPONSIBLE OFFICIAL:

Name: James M. Malandrinos
Title: President

FACILITY CONTACT PERSON:

Name: James M. Malandrinos
Title: President
Phone: (413) 967-7415

This operating permit shall expire on October 09, 2014

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

Date

October 9, 2009

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>



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SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "IPSC") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

The IPSC facility is a landfill gas-to-energy plant located on the Granby Landfill on New Ludlow Road in Granby. The Facility consists of eight (8) spark ignited, Caterpillar internal combustion engines which are lean burn, turbo charged and suitable for low-pressure landfill gas (LFG). The Facility also utilizes a candle stick flare. The engines and flare are designed to destroy methane and non-methane organic compounds in the LFG. All eight engines can be operated simultaneously if sufficient gas is present and will produce electrical power for transfer to the grid. The candlestick flare is utilized when less than 300 scfm LFG is available for consumption. Several approvals were issued to the facility for the installation and operation of the engines and the flare. The last Approval #1-P-06-020 dated 06/23/06 was for the eighth engine, which made the facility a major source for CO. The facility is not a major Hazardous Air Pollutant (HAP) source and is not subject to Compliance Assurance Monitoring (CAM).

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of EU	Design Capacity (Input rating)	Pollution Control Device (PCD)
EU 1	1-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	2-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	3-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	4-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
EU 2	5-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	6-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	7-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
	8-Caterpillar IC Engine -Model # 3412	5.05 MMBtu/hr	none
EU 3	Candlestick Flare	9 MMBtu/hr	n/a

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3 as follows:

Table 3						
EU #	Fuel or Raw Material	Pollutant	Emission Limits/Standards ⁽¹⁾⁽²⁾		Restrictions ⁽³⁾	Applicable Regulation and/or Approval No.
EU 1	Landfill Gas	NO _x	0.9 g/bhp-hr	1.16 lb/hr	5.08 tpy	Approval #1-B-00-027 (12/08/00)
		CO	2.5 g/bhp-hr	3.22 lb/hr	14.10 tpy	
		NMOC	20 ppm ⁽⁴⁾ or reduce 98% by weight	0.24 lb/hr	1.05 tpy	
		SO ₂	500 ppm	0.99 lb/hr	4.34 tpy	
		PM	48 lb/MM dscf of CH ₄	0.86 lb/hr	3.77 tpy	
		Opacity	0% opacity (no visible emissions) with exception of 5 minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06.			
EU 2	Landfill Gas	NO _x	0.6 g/bhp-hr	0.77 lb/hr	3.37 tpy	Approval #1-P-03-006 (04/30/03) Approval #1-P-06-020 (06/23/06)
		CO	2.5 g/bhp-hr	3.22 lb/hr	14.10 tpy	
		NMOC	20 ppm ⁽⁴⁾ or reduce 98% by weight	0.24 lb/hr	1.05 tpy	
		SO ₂	500 ppm	0.99 lb/hr	4.34 tpy	
		PM	48 lb/MM dscf of CH ₄	0.86 lb/hr	3.77 tpy	
		Opacity	0% opacity (no visible emissions) with exception of 5 minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06.			

1) Emission limits expressed as pounds per hour (lb/hr) and pound per million Btu (lb/MMBtu) are based on a one-hour average.

2) The "lb/hr" and "g/bhp-hr" emission limits are "per engine" limits and do not apply during conditions of startup, shutdown, or malfunction.

3) Emission limits expressed as tons per year (tpy) are based on a rolling 12-month total for each engine.

4) Parts per million as hexane, by volume, dry basis at 3 percent oxygen or less.

Table 3 (continued)					
EU #	Fuel or Raw Material	Pollutant	Emission Limits/Standards ^(1)	Restrictions ⁽²⁾	Applicable Regulation and/or Approval No.
EU 3	Landfill Gas	NO _x	0.06 lb/MMBtu	2.37 tpy	Approval #1-P-03-006 (04/30/03)
		CO	0.15 lb/MMBtu	5.91 tpy	
		NMOC	----	7.31 tpy	
		SO ₂	----	6.52 tpy	
		PM	48 lb/MM dscf of CH ₄	5.68 tpy	
		Opacity	0% opacity (no visible emissions) with exception of 5 minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06.		
1) Emission limits expressed as pounds per hour (lb/hr) and pound per million Btu (lb/MMBtu) are based on a one-hour average. 2) Emission limits expressed as tons per year (tpy) are based on a rolling 12-month total.					

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring/testing, record-keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements as contained in Table 3.

Table 4	
EU #	Monitoring/Testing Requirements
EU 1 EU 2	<p>IPSC shall</p> <ol style="list-style-type: none"> 1) In accordance with Approvals # 1-B-00-027(12/08/00), 1-P-03-006 (04/30/03), and 1-P-06-020 (06/23/06), construct the engines to accommodate the emission testing requirements contained in 40 CFR Part 60 Appendix A. 2) In accordance with 310 CMR 7.13, if and when MassDEP determines that Emission Compliance Testing (Stack Testing) is necessary to ascertain compliance with MassDEP's regulations or design approval provisos, cause such stack testing: <ol style="list-style-type: none"> a. To be conducted by a person knowledgeable in stack testing, b. To be conducted in accordance with procedures contained in a test protocol approved by MassDEP, c. To be conducted in the presence of a representative of MassDEP when such is deemed necessary. <p>All such testing shall be conducted in accordance with 310 CMR 7.13, and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by MassDEP and EPA.</p> 3) In accordance with 310 CMR 7.13(2), if and when MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation enforcement or determination of regulation compliance, cooperate with MassDEP to provide: <ol style="list-style-type: none"> a. Entrance to a location suitable for stack sampling, b. Sampling ports at locations where representative samples may be obtained, c. Staging and ladders to support personnel and equipment for performing tests, d. A suitable power source at the sampling location for the operation of sampling equipment, and e. Such other reasonable facilities as may be requested by MassDEP.
Facility Wide	<ol style="list-style-type: none"> 4) In accordance with Approvals #1-B-00-027(12/08/00), 1-P-03-006(04/30/03), and 1-P-06-020(06/23/06), monitor the LFG Facility for the following parameters: <ol style="list-style-type: none"> a. LFG usage; and b. Fuel flow in scfm and total standard cubic feet; and c. Equipment malfunctions. 5) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.

Table 5	
EU #	Recordkeeping Requirements
EU 1 EU 2	<p>IPSC shall</p> <ol style="list-style-type: none"> 1) In accordance with Approvals #1-B-00-027 (12/08/00), 1-P-03-006 (04/30/03) and 1-P-06-020 (06/23/06), establish and maintain a record keeping system on site for the following: <ol style="list-style-type: none"> a. A record of routine maintenance activities performed on each engine including a description of the maintenance performed and the date the work was completed; b. A record of all malfunctions for each engine including the date and time of the malfunction, the type of malfunction and the date and time corrective actions were completed. 2) In accordance with 310 CMR 7.00 Appendix C(9)(b), maintain records of fuel flow in scfm. 3) In accordance with 310 CMR 7.00 Appendix C(9)(b), maintain records of total standard cubic feet to all engines combined and the air to fuel ratio for each engine to demonstrate that the engine is being operated in accordance with the NOx/CO optimization plan. 4) In accordance with Approvals # 1-B-00-027(12/08/00), 1-P-03-006 (04/30/03), and 1-P-06-020 (06/23/06), record the volume of LFG fired in each engine for each month and for each twelve month rolling period.
Facility Wide	<ol style="list-style-type: none"> 5) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. 6) Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12 and keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required by 310 CMR 7.12(3)(b) for five years from the date of submittal.

Table 6	
EU #	Reporting Requirements (1)
EU 1 EU 2	<p>IPSC shall</p> <ol style="list-style-type: none"> 1) In accordance with Approvals # 1-B-00-027 (12/08/00), 1-P-03-006 (04/30/03), and 1-P-06-020(06/23/06), submit the test report for any emissions testing to MassDEP within 45 days of completion of the emissions testing. 2) In accordance with Approvals # 1-B-00-027 (12/08/00), 1-P-03-006 (04/30/03), and 1-P-06-020 (06/23/06), notify MassDEP's Compliance/Enforcement Chief for the Bureau of Waste Prevention by telephone or fax, within 24 hours, and with written notification within 10 days, after the occurrence of any upsets or malfunctions of the engines or any appurtenant equipment which result in excess emission to the ambient air and/or a condition of air pollution.
Facility Wide	<ol style="list-style-type: none"> 3) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to MassDEP on an annual basis. 4) In accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2), if and when MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisions, IPSC shall cause such stack testing to be summarized, analyzed, and submitted to MassDEP within such time frame as agreed to in the approved test protocol. 5) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP. In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT") 6) In accordance with 310 CMR 7.13(1)(d), submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol. 7) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT") 8) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA. 9) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").
<p>1). The annual Source Registration/Emission Statement report shall be submitted to MassDEP office specified in the instructions. All other reports, including both 6-month summary reports, are to be submitted to the Western Regional Office.</p>	

C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 employees
310 CMR 7.25: Consumer and Commercial Products	Not Applicable
42 U.S.C. 7401, §112 (r): Prevention of Accidental Release	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
42 U.S.C.7401, § 601: Stratospheric Ozone	Not Applicable
40 CFR Part 64: Compliance Assurance Monitoring	Not Applicable

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

Table 8	
EU #	Special Terms and Conditions
EU 3	IPSC shall 1) The open flare shall be operated only on a supplemental basis to the landfill gas to energy facility and the enclosed flare and not as the primary landfill gas control system. (1)
Facility Wide	2) In accordance with Approval # 1-B-00-027 (12/08/00), # 1-P-03-006 (04/30/03), and # 1-P-06-020 (06/23/06) ensure that each engine and flare reduce NMOC emissions by 98% by weight, or reduce stack NMOC emissions to 20 parts per million as hexane by volume, dry basis, at three percent oxygen, or less. 3) In accordance with Approval # 1-B-00-027 (12/08/00), # 1-P-03-006 (04/30/00), and # 1-P-06-020 (06/23/06), apply modern air pollution control technology with respect to noise. In no case shall the operation of the IPSC facility result in an exceedance of MassDEP's noise guidelines of: a. an increase in the broadband sound level by more than 10 dB(A) above ambient; or b. production of a "puretone". These guidelines are contained in DAQC Policy 90-001. In addition, in no case shall the operation of the IPSC facility result in a condition of "Noise" as required by Regulation 310 CMR 7.10. [State Only] 4) Keep a copy of the Standard Operating and Maintenance Procedures for the engines on site at all times. (1) 5) In accordance with Approval #1-B-00-027 (12/08/00), and 1-P-03-006 (04/30/03), and 1-P-06-020 (06/23/06), take immediate steps, including shutdown of the engines, to abate any nuisance condition generated by the operation of the engines. 6) In accordance with 310 CMR 7.01 (1), should any nuisance condition(s) occur as a result of the operation, take appropriate steps immediately to abate said nuisance condition(s). [State Only] 7) In accordance with 310 CMR 7.09, not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. [State Only] 8) In accordance with 310 CMR 7.10, not willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise. [State Only] MassDEP reserves the right to require additional measurement periods, locations, or events if in the opinion of MassDEP such additional measurements are necessary to determine compliance with the Air Pollution Control Regulations.
(1) USEPA has proposed 40 CFR 63 subpart ZZZZ for existing stationary reciprocating internal combustion engines located at area HAP facilities. The Permittee shall submit a minor modification (310 CMR 7.00 Appendix C(8)) permit within 18 months of the rule becoming final, to incorporate all applicable requirements of 40 CFR 63 subpart ZZZZ into the facility's operating permit if there is 3 years or more remaining to the time-frame of the operating.	

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The Permittee did not request intra-facility emissions trading in its operating permit application.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5. In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op.>

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

- (a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

- (b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

- (c) Nothing in this permit shall alter or affect the following:

- i. the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- ii. the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- iii. the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit. Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to the MassDEP copies of records that the permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response immediate notification to the appropriate parties should be made as required by law.

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes. "

27. MODIFICATIONS

- (a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- (b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- (c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- (d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

Not all abbreviations are present in every Operating Permit

10⁶ Btu/hr–1,000,000 Btu per hour
CEM–continuous emission monitor
CGA–cylinder gas audit
the Chart–the Ringelmann Scale for grading the density of smoke
CO–carbon monoxide
CO₂–carbon dioxide
COM–continuous opacity monitor
DAS–data acquisition system
dscf – dry standard cubic feet
EPA or USEPA –Environmental Protection Agency
EU – Emission Unit
FMF FAC. NO.–Facility Master File Number
FMF RO NO.–Facility Master File Regulated Object Number
ft³–cubic feet
HHV–higher heating value
hr–hour
g/bhp-hr = grams of pollutant per brake horsepower-hour of engine
ISO–Represents 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level
lb–pound
lb/MMBtu–pounds per million British thermal units
lb/MM dscf of CH₄ – million pounds of dry standard cubic feet of methane
MMBtu/hr–million British thermal units per hour
MW–megawatt (1,000,000 watts)
N/A – Not Applicable`
ng–natural gas
NH₃–ammonia
NMOC = Non-methane organic compounds
NO_x–nitrogen oxides
PLT ID–Plant Identification
PM–particulate matter
ppm–parts per million
ppmvd–parts per million (by volume, dry)
PTE–potential to emit
RATA–relative accuracy test audit
SO₂–sulfur dioxide
tpy–tons per year
VOC–volatile organic compound

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.